

MEMORANDUM

May 20, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert T. Kenney, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

---

Tabled May 6, 1976

Hearing: 6/1/76

Petition No. Z-3573  
Emerson College  
534-538 Beacon Street, Boston  
at Charlesgate East

Ten-story structure - apartment (H-5-70) district.

Purpose: to change occupancy from hotel to dormitory, college classrooms,  
and restaurant.

Violations:

Section 8-6. A change in a conditional use and a nonconforming use  
requires Board of Appeal approval.

Section 23-7. Off-street parking is insufficient.

Dormitory, with facilities for 335 students, has existed for approximately  
eight years. Essentially, petition would create street-level restaurant to  
accommodate students and public. Valet parking would be provided.

Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3573, brought by  
Emerson College, 534-538 Beacon Street, Boston,  
for a change of occupancy from hotel to dormitory,  
college classrooms, and restaurant in an apartment  
(H-5-70) district, the Boston Redevelopment  
Authority recommends approval provided plans are  
submitted to the Health and Hospitals Department,  
the Kenmore Area Action Council, the Back Bay  
Association, and the Neighborhood Association of  
the Back Bay for review.



Z-3573  
534-538 BEACON ST.  
(B. P.)





Board of Appeal Referrals 5/20/76

Hearing: 6/1/76

Petition No. Z-3578  
Massachusetts Eye and Ear Infirmary  
243 Charles Street, Boston  
at Fruit Street

Hospital complex - apartment (H-4) district.

Purpose: to erect five signs.

Violation:

Section 11-1. Total number of signs proposed exceeds the number allowed in a residential district; total area of each proposed sign exceeds maximum allowed.

It is proposed to erect three identification and directional signs at street level and two 5' x 85' identifying signs, "MASS EYE & EAR," at the 13th floor. The two elevated signs are contrary to the objectives of the new sign code, would establish an undesirable precedent, and are opposed by the Beacon Hill Civic Association. There is no objection to the lower-level directional signs. Recommend denial of elevated signs and approval of lower-level directional signs.

VOTED: In reference to Petition No. Z-3578, brought by the Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston, for a conditional use to erect five signs in an apartment (H-4) district, the Boston Redevelopment Authority recommends denial of the two elevated signs. These signs are contrary to the objectives of the new sign code, would establish an undesirable precedent, and are opposed by the local civic organization. There is no objection to the three lower-level identification and directional signs.



Z-3578  
243 CHARLES ST.  
(B.P.)





Board of Appeal Referrals 5/20/76

Hearing: 6/8/76

Petition No. Z-3579  
George A. Pedranti  
630 Hyde Park Avenue, Roslindale  
near Canterbury Street

One-story masonry structure - local business (L-.5) district.

Purpose: to change occupancy from repair shop to repair shop garage,  
accessory office, and store-office; to erect one-story addition.

Violation:

Section 8-6. Extension of a conditional use requires Board of Appeal hearing.

The repair shop garage has existed for 25 years. Proposed rear addition would be utilized as an office. Uses are consistent with those in the immediate area. Recommend approval.

VOTED: In reference to Petition No. Z-3579, brought by George A. Pedranti, 630 Hyde Park Avenue, Roslindale, for a conditional use for a change of occupancy from repair shop to repair shop garage, accessory office, and store-office and to erect a one-story addition in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval. Uses are consistent with those in the immediate area. Proposed office addition would not have an adverse impact.



**Z-3579**  
**630 HYDE PARK AVE.**  
**(ROS.)**





Board of Appeal Referrals 5/20/76

Hearing: 6/8/76

Petition No. Z-3580  
Stephen and John S. Rakes  
258-262 East Eighth Street and  
19 Knowlton Street, South Boston

Three-story frame structure - apartment (H-1-50) district.

Purpose: to change occupancy from two-family dwelling and stores to two-family dwelling, retail store, and restaurant.

Violations:

Section 8-7. A restaurant is forbidden in an H-1 district.

Section 9-2. A change in a nonconforming use requires a Board of Appeal hearing.

A restaurant facility would be compatible with existing uses in the neighborhood. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3580, brought by Stephen and John S. Rakes, 258-262 East Eighth Street and 19 Knowlton Street, South Boston, for a forbidden use and a change in a nonconforming use for change of occupancy from a two-family dwelling, retail store, and restaurant in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends approval with the following provisos: that there be no take-out facilities; that there be no service openings in the exterior walls; that no alcohol be served; that the restaurant operation terminate no later than 10 p.m. daily; that plans be submitted to the Authority for design review.





**Z-3580**

**258-262 EAST EIGHTH ST.  
17-19 KNOWLTON ST.  
(S.B.)**



Board of Appeal Referrals 5/20/76

Hearing: 6/8/76

Petition No. Z-3581  
John J. McGaffigan & Werner Bundschuh  
36 Harvard Street, Charlestown  
near Washington Street

Four-story masonry structure - apartment (H-1) district -  
Charlestown Urban Renewal Area.

Purpose: to change occupancy from lodging house to four apartments.

Violations:	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area and open space is forbidden in all (H-1) district.		
Section 14-2. Lot area is insufficient.	9,000 sf	1,335 sf
Section 17-1. Open space is insufficient.	400 sf	145 sf
Section 23-1. Off-street parking is insufficient.	3 spaces	0

Proposal would include complete rehabilitation of the interior and exterior of the vacant structure. Violations would not have a detrimental effect on surrounding properties. Recommend approval with design review proviso.

VOTED: In reference to Petition No. Z-3581, brought by John J. McGaffigan & Werner Bundschuh, 36 Harvard Street, in the Charlestown Urban Renewal Area, for a forbidden use and three variances for a change of occupancy from lodging house to four apartments in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review. Violations would not have a detrimental effect on surrounding properties.





Z-3581  
36 HARVARD ST.  
(CHSN.)



Board of Appeal Referrals 5/20/76

Hearing: 6/22/76

Petition No. Z-3582  
Den Mar Realty Trust  
Leonard J. Lapenta, Trustee  
25 Chestnut Hill Avenue, Brighton  
near Dighton Street

Gas service station - residential (R-.8) district.

Purpose: to increase gasoline storage capacity from 8,000 to 18,000 gallons.

Violation:

Section 9-1. Extension of a nonconforming use requires Board of Appeal hearing.

Proposal would decrease the number of gas deliveries to the facility and tend to eliminate congestion. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3582, brought by Den Mar Realty Trust, 25 Chestnut Hill Avenue, Brighton, for an extension of a nonconforming use to increase gasoline storage capacity from 8,000 to 18,000 gallons in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the following conditions: that there be no increase in the number of tanks; that there be no increase in the hours of operation; that trailer rental be eliminated; that landscaping be provided and plans submitted to the Authority for design review.





25 CHESTNUT HILL AVE.

Z-3582

(BRI.)



Board of Appeal Referrals 5/20/76

Hearing: 6/8/76

Petition No. Z-3584  
Trustees of Boston University  
700 Commonwealth Avenue, Boston  
near Cummington Street

Eighteen-story structure - apartment (H-4) district.

Purpose: to change occupancy from dormitory, garage, commercial, dining social, and administrative to dormitory, garage, commercial, dining, social, administrative, and academic offices.

Violation:

Section 8-6. A change in a conditional use requires Board of Appeal hearing.

Essentially, the proposal would convert existing dormitory space to academic offices. Recommend approval with provisos.

VOTED: In reference to Petition NO. Z-3584, brought by the Trustees of Boston University, 700 Commonwealth Avenue, Boston, for a conditional use for a change of occupancy from dormitory, garage, commercial, dining, social, and administrative to dormitory, garage, commercial, dining, social, administrative, and academic offices in an apartment (H4) district, the Boston Redevelopment Authority recommends approval only with the following conditions: that the University submit further evidence of progress on preparation of a master plan of land use and land use policies by August 1, 1976.



**Z-3584**  
**700 COMMONWEALTH AVE**  
**(B.P.)**





Board of Appeal Referrals 5/20/76

Hearing: 6/8/76

Petition No. Z-3585  
Trustees of Boston University  
209 Bay State Road, Boston  
near Granby Street

Four-story structure - apartment (H-4) district.

Purpose: to legalize existing academic offices.

Violation:

Section 8-7. Academic offices of a college or university granting degrees are conditional in an H-4 district.

Occupancy has existed for the past three years. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3585, brought by the Trustees of Boston University, 209 Bay State Road, Boston, for a conditional use to legalize existing academic offices in an apartment (H-4) district, the Boston Redevelopment Authority recommends approval only with the following conditions: that the University submit to the Authority further evidence of progress on preparation of a Master Plan of land use and land use policies by August 1, 1976.





CHARLES

RIVER

Z- 3585  
209 BAY STATE RD.  
(B.P)

BA



Board of Appeal Referrals 5/20/76

Hearing: 5/25/76

Petitions Nos. Z-3586-3587  
Twins Enterprise, Inc.  
120 Brookline Avenue Trust  
19-23 Jersey Street;  
41 Jersey and 75 Van Ness Streets,  
Boston

One-story masonry structure - manufacturing (M-2) district.

Purpose: to change occupancy from restaurant to restaurant providing dancing or entertainment or both; to extend restaurant area into basement; to provide ancillary parking in existing public parking lot.

Violations:

Section 23-2. Off-street parking not provided on lot.

Section 8-7. Ancillary parking is conditional in an M-2 district.

Arrangements have been made to reserve 20 spaces for restaurant patrons at adjacent parking facility. Recommend approval with proviso.

VOTED: In reference to Petitions Nos. Z-3586-3587, brought by Twins Enterprise, Inc., and 120 Brookline Avenue Trust, 19-23 Jersey Street and 41 Jersey and 75 Van Ness Streets, Boston, for a conditional use and a variance for a change of occupancy from restaurant to restaurant providing dancing or entertainment or both and to provide ancillary parking in an existing public parking lot in a manufacturing (M-2) district, the Boston Redevelopment Authority recommends approval provided that the allocated parking spaces are always available to restaurant patrons.





FENWAY PARK

JERSEY

OVERLAND STREET

BURLINGTON

AVENUE

IPSWICH STREET

STREET

PARKING AREA

VAN NESS

KILBUCK

STREET

BROOKLINE

Z-3586-87

19-23 JERSEY ST.

75 VAN NESS ST.

41 JERSEY ST.

(B.P.)

BOYLSTON

SEVEN DAY SCHOOL

SEVEN DAY SCHOOL

STREET

HIGH



Board of Appeal Referrals 5/20/76

Hearing: 6/8/76

Petition No. Z-3588  
Fred Durham  
Laurence J. Shapiro  
129 Marlborough Street, Boston  
near Dartmouth Street

Four-story structure - apartment (H-5-70) district.

Purpose: to erect two one-story additions to five-apartment dwelling.

Violation:	<u>Required</u>	<u>Proposed</u>
Section 20-1. Rear yard is insufficient.	20 ft.	0

Structure is presently vacant and boarded. Proposed additions would consist of a two-car garage and a rear penthouse. Yard deficiency would not have an adverse impact on the neighborhood. Recommend approval.

VOTED: In reference to Petition No. Z-3588, brought by Fred Durham, 129 Marlborough Street, Boston, for a variance to erect two one-story additions to a five-apartment dwelling in an apartment (H-5-70) district, the Boston Redevelopment Authority recommends approval. Yard deficiency would not have an adverse impact on the neighborhood.





Z-3588

129 MARLBOROUGH ST.

(B.P.)

CITY OF BOSTON  
CITY OF FACILITY  
PARKING NO. 4

STREET

COPLEY

OLD SOUTH  
CHURCH

COPLEY  
METHODIST  
CHURCH

COMMONWEALTH  
OF BOSTON

PRINCE  
SCHOOL

ST. JAMES

FIRST  
LUTHERAN  
CHURCH

UNITARIAN  
FIRST CHURCH  
IN BOSTON

CHURCH OF THE  
CONVENT

FIRST BAPTIST  
CHURCH

PARSONAGE

COMMONWEALTH

COMMONWEALTH

MARLBOROUGH

DARTMOUTH

BEACON

BACK

CLARENDON

AVENUE

STEELE

COPLEY



Hearing: 6/1/76

Petitions Nos. Z-3589-3590  
Salesian Society, Inc.  
94 Horace Street and 150 Byron Street  
East Boston

High school complex - residential (R-.5, R-.8) and local business (L-.5) districts.

Purpose: to combine lots; to change occupancy from gymnasium, cafeteria to school, gymnasium, cafeteria; to erect bridge addition.

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Parking area of an elementary or secondary school may be no nearer to any lot line than the required front yard depth.		
Section 10-1. Accessory parking may not occupy any part of required front yard.		
Section 14-2. Lot area for additional unit is insufficient.	5,000 sf	1,428 sf
Section 15-1. Floor area is excessive.	0.5	1.0
Section 16-1. Height of building is excessive.	2-1/2 stories	3 stories
Section 18-1. Front yard is insufficient.	25 ft.	0
Section 19-6. Front yard is insufficient (Byron Street).	25 ft.	0
Section 23-3. Off-street parking not provided on same lot.		

It is proposed to erect a three-story addition to the existing gym structure on Byron Street and a 13-foot-wide bridge enclosed corridor spanning Byron Street connecting gym and addition to the existing school. Student capacity would be increased from 350 to approximately 650 students. Required parking, 38 spaces, would be provided under the proposed addition. Recommend approval with design review.



Petitions Nos. Z-3589-3590 (continued)

VOTED: In reference to Petitions Nos. Z-3589-3590, brought by the Salesian Society, Inc., 94 Horace Street and 150 Byron Street, East Boston, for nine variances to combine lots, change occupancy from gymnasium, cafeteria to school, gymnasium, cafeteria, and erect bridge addition in residential (R-.5, R-.8) and local business (L-.5) districts, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review. A bridge spanning Byron Street without windows or glass will intensify the crowding-overshadowing effect created by the proposed classroom addition. Consideration should be given to windows and/or glass walls to make bridge more visually transparent. Proposed northern end of classroom addition would tend to overshadow homes on Bennington Street. Consideration should be given to reducing the height of the northern end of the proposed classroom addition.



Z-3589-90  
94 HORACE ST.  
150 BYRON ST.  
(E.B.)





Board of Appeal Referrals 5/20/76

Hearing: 6/22/76

Petition No. Z-3602  
246 Newbury Street Trust  
246 Newbury Street, Boston  
near Fairfield Street

Four-story structure - general business (B-4-70) district.

Purpose: to excavate and construct basement-level front entrance and store front.

Violation:

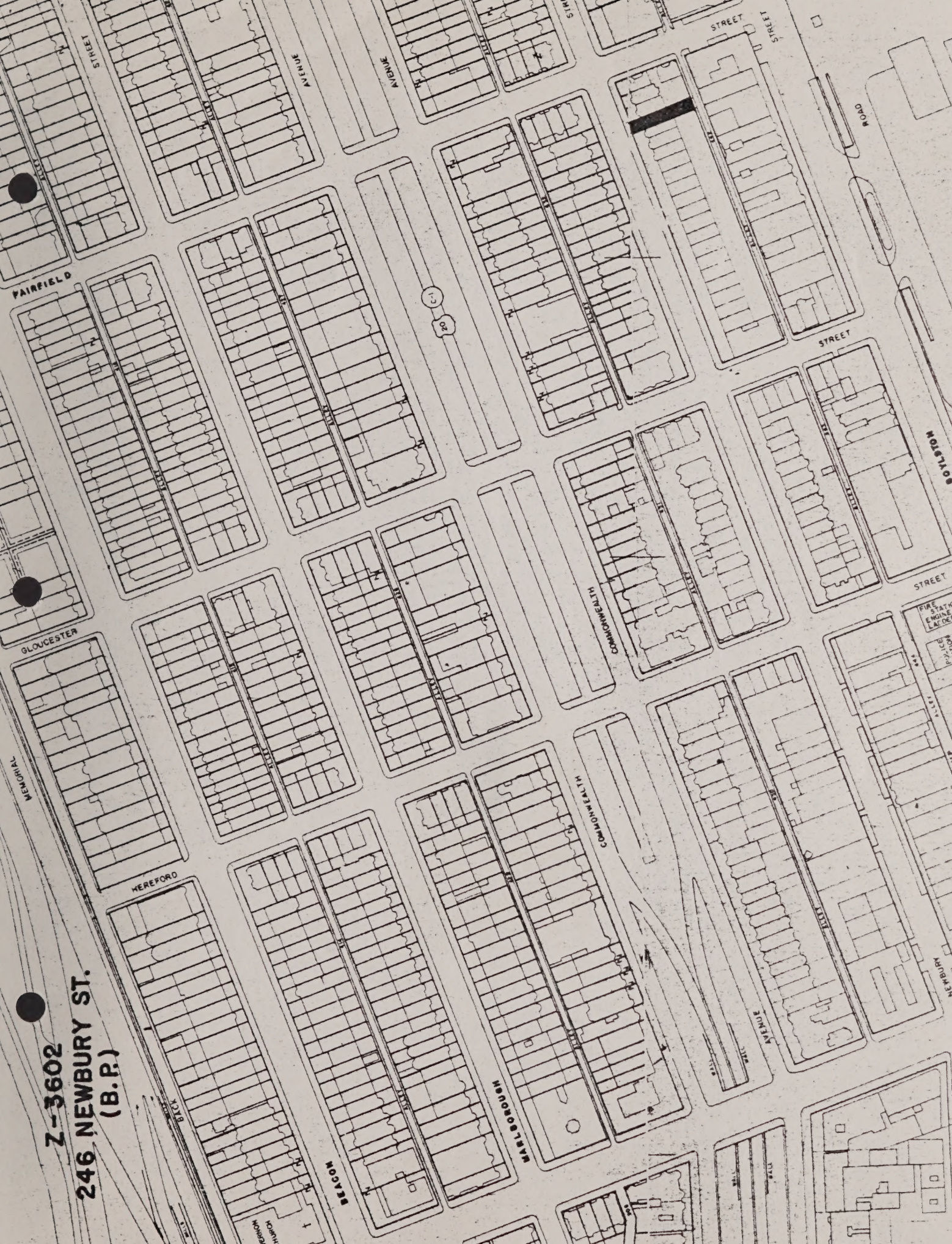
Section 18-1. Public access to a basement within the required front yard shall not be below the grade of the nearest sidewalk.

The basement-level gallery and entrance would be similar to other shops already existing on this mixed residential-commercial street. Recommend approval.

VOTED: In reference to Petition No. Z-3602, brought by 246 Newbury Street Trust, 246 Newbury Street, Boston, for a variance to install a basement-level front entrance and store front in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval. The basement-level gallery and entrance would be similar to other shops already existing on this mixed residential-commercial street.



Z-3602  
246 NEWBURY ST.  
(B.P.)





Board of Appeal Referrals 5/20/76

Hearing: 5/25/76

Petition No. Z-3605  
Congregation Ohel Jacob  
86 Paris and 15 Gove Streets,  
East Boston

6,720 square feet of vacant land - general business (B-1) district.

Purpose: to use premises for ancillary parking.

Violation:

Section 8-7. Ancillary parking is conditional in a B-1 district.

Facility would provide additional parking for proposed Health Center which would be located directly opposite the site. Community has indicated support.  
Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3605, brought by Congregation Ohel Jacob, 86 Paris and 15 Gove Streets, East Boston, for a conditional use to use premises for ancillary parking in a general business (B-1) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.